



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

[REDACTED]

PRELIMINARY RECITALS

Pursuant to a petition filed June 23, 2015, under Wis. Admin. Code §HA 3.03, to review a decision by the Public Assistance Collection Unit in regard to FoodShare benefits (FS), a telephone hearing was held on July 23, 2015.

There is no issue for determination

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Petitioner's Representative:

Attorney Patricia Delessio
230 West Wells Street, Room 800
Milwaukee, WI 53203

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
Public Assistance Collection Unit
PO Box 8938
Madison, WI 53708-8938

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Brown County.
2. Petitioner's mother, I.S., was issued an ordinance citation under section 30.05(2) of the Brown County Code. Respondent's Exhibit 3.

3. Following a Brown County Circuit Court trial, I.S. was found guilty of violating section 30.05(2) of the Brown County Code. Respondent's Exhibit 3.
4. The respondent asserted an Intentional Program Violation against I.S. as a result of the guilty verdict noted in Finding of Fact #3.
5. The respondent also asserted an overpayment against I.S.'s household, which included petitioner. The overpayment, Claim Nos. [REDACTED] was asserted for the period of approximately May 21, 2013, through August 5, 2014, in the total amount of \$1,239.59.
6. Petitioner filed an appeal with the Division of Hearings and Appeals on June 23, 2015. Petitioner's Exhibit 1.

DISCUSSION

At hearing, the respondent offered to remove petitioner as a liable party on the overpayment. Specifically, the respondent noted that she had determined that the petitioner was not, in fact, a liable party to the asserted overpayments, that the overpayments arose following a determination that I.S. had committed an Intentional Program Violation, and that the petitioner was not a party to the related Intentional Program Violation. As such, I will remand this matter to the respondent to remove petitioner as a liable party on the overpayments.

CONCLUSIONS OF LAW

Petitioner is not liable for the overpayment identified as Claim Nos. [REDACTED] [REDACTED], which were established for the period of approximately May 21, 2013, through August 5, 2014, in the total amount of \$1,239.59.

THEREFORE, it is

ORDERED

That this matter shall be remanded to the respondent to remove the petitioner as a liable party on Claim Nos. [REDACTED] [REDACTED], and to immediately cease all collections activity against petitioner with regard to these claims. All actions required by this Order shall be completed within 10 days following issuance of this Decision.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

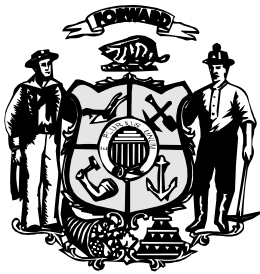
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 10th day of August, 2015

\sPeter McCombs
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on August 10, 2015.

Public Assistance Collection Unit
Public Assistance Collection Unit
Division of Health Care Access and Accountability
Attorney Patricia Delessio